

REMARKS

Prior to entry of this amendment, claims 1-24 are currently pending in the subject application. Claims 12-24 are withdrawn from consideration. Claims 1 and 5 are the only pending independent claims.

By this amendment, FIGS. 1, 2 and 3A- 3E and claims 1, 5, 12 and 18 are amended. Support for the amendments to claims 1, 5, 12 and 18 may be at least found in FIGS. 6 and 8D – 8F and paragraph [0052] and [0053] of applicants' originally filed specification. No new matter is added.

Applicants appreciate the Examiner's acknowledgement of applicants' claim for foreign priority and receipt of a certified copy of the priority document.

Applicants further appreciate the Examiner's consideration of applicants' Information Disclosure Statement filed April 23, 2004.

Claims 1-11 are presented to the Examiner for further consideration.

A. Introduction

In the outstanding Office action, the Examiner objected to the drawings, FIGS 1-3E, as described in applicants' disclosure paragraphs [0003]-[0020], for failing to be designated by a legend such as – Prior Art –; rejected claims 1 and 5-8 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Publication No. 2002/0072191 to Aoki et al. ("the Aoki et al. reference"); and rejected claims 2-4 and 9-11 under 35 U.S.C. § 103(a) as being unpatentable over the Aoki et al. reference in view of U.S. Patent Publication No. 2001/00544730 to Kim et al. ("the Kim et al. reference").

B. Objection to Drawings

In the outstanding Office action, the Examiner objected to the drawings, FIGS 1-3E, as described in applicants' disclosure paragraphs [0003]-[0020], which should be designated by a legend such as – Prior Art –. Applicants amended FIGS. 1 – 3E to include a legend “RELATED ART.” It is respectfully requested that the objection be withdrawn.

C. Asserted Anticipation Rejection of Claims 1 and 5-8

In the outstanding Office action, the Examiner rejected claims 1 and 5-8 under 35 U.S.C. § 102(b) as being anticipated by the Aoki et al. reference. The rejection is respectfully traversed for at least the following reasons.

Claims 1 and 5 now recite, in part:

a first metal layer having a cylindrical shape and defining a cylindrical space; and
a second metal layer completely filling the cylindrical space defined by the first metal layer.

Applicants submit that the Aoki et al. reference fails to disclose or suggest at least these features of claims 1 and 5. The Aoki et al. reference may disclose a substrate 1, interlayer insulating films 2, 3, a contact plug 4, an adhesive film 5 and a lower electrode film 6 (FIG. 2 and paragraphs [0032] – [0035]). As shown in FIG. 2, the lower electrode film 6 of the Aoki et al. reference has a shape corresponding to the adhesive film 5 and the lower electrode film 6 of the Aoki et al. reference does not completely fill the cylindrical space defined by the adhesive film 5. Further, as shown in FIG. 3, a capacitor insulating film 7 and an upper electrode film 8 are deposited into the space defined by the adhesion layer 5 and the lower electrode film 6. Further, applicants submit that the Aoki et al. reference fails to suggest and/or provide any motivation for providing a device having all the features recited in each of independent claims 1 and 5.

For at least these reasons, applicants submit that the Aoki et al. reference fails to disclose or suggest all the features of claims 1 and 5, as well as all the features of dependent claims 6-8, which directly or indirectly depend from claim 5. It is respectfully requested that the rejection be withdrawn.

D. Asserted Obviousness Rejection of Claims 2-4 and 9-11

In the outstanding Office action, the Examiner rejected claims 2-4 and 9-11 under 35 U.S.C. § 103(a) as being unpatentable over the Aoki et al. reference in view of the Kim et al. reference. The rejection is respectfully traversed for at least the following reasons.

As discussed above with regard to independent claims 1 and 5, from which claims 204 and 9-11 respectively depend, the Aoki et al. reference fails to disclose or suggest all the features of claims 1 and 5. Applicants submit that the Kim et al. reference fails to overcome the deficiencies of the Aoki et al. reference, as applied to claims 1 and 5. It is respectfully requested that the rejection be withdrawn.

E. Rejoinder

Upon allowance of independent device claims 1 and/or 5, applicants request rejoinder of non-elected method claims 12-24, including independent method claims 12 and 18, which recite formation of the structural features of independent device claims 1 and/or 5.

F. Conclusion

The remaining documents cited by the Examiner were not relied on to reject the claims. Therefore, no comments concerning these documents are considered necessary at this time.

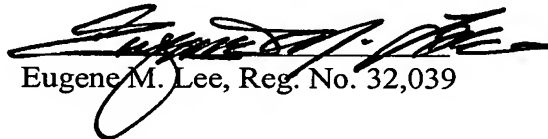
If the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

In view of the foregoing amendments and remarks, reconsideration of this application is earnestly solicited, and an early and favorable further action upon all the claims is hereby requested.

Respectfully submitted,

LEE & MORSE, P.C.

Date: June 30, 2006


Eugene M. Lee, Reg. No. 32,039

Attachment:

4 Replacement Sheets including FIGS. 1 – 3E

LEE & MORSE, P.C.

1101 WILSON BOULEVARD, SUITE 2000

ARLINGTON, VA 22209

703.525.0978 TEL

703.525.4265 FAX

PETITION and
DEPOSIT ACCOUNT CHARGE AUTHORIZATION

This document and any concurrently filed papers are believed to be timely. Should any extension of the term be required, applicant hereby petitions the Director for such extension and requests that any applicable petition fee be charged to Deposit Account No. 50-1645.

If fee payment is enclosed, this amount is believed to be correct. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1645.

Any additional fee(s) necessary to effect the proper and timely filing of the accompanying-papers may also be charged to Deposit Account No. 50-1645.

AMENDMENTS TO THE DRAWINGS

Attached hereto is a Replacement Drawing Sheet, including original FIGS. 1, 2 and 3A – 3E. FIGS. 1, 2 and 3A – 3E are amended to include a legend “RELATED ART” responsive to the objection to the drawings. Entry of the Replacement Drawing Sheets and removal of the objection to the Drawings are respectfully requested.



FIG. 1

-- RELATED ART --

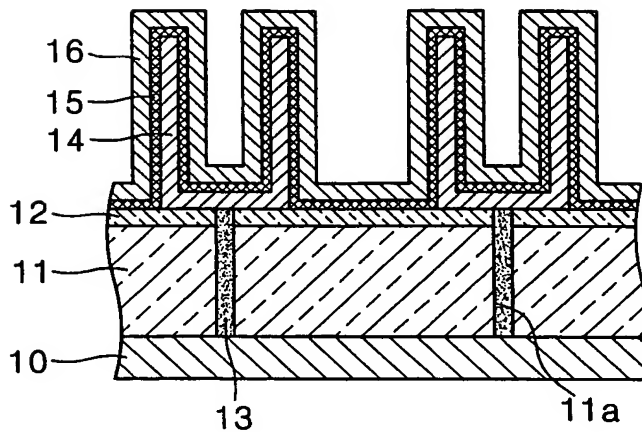


FIG. 2

-- RELATED ART --

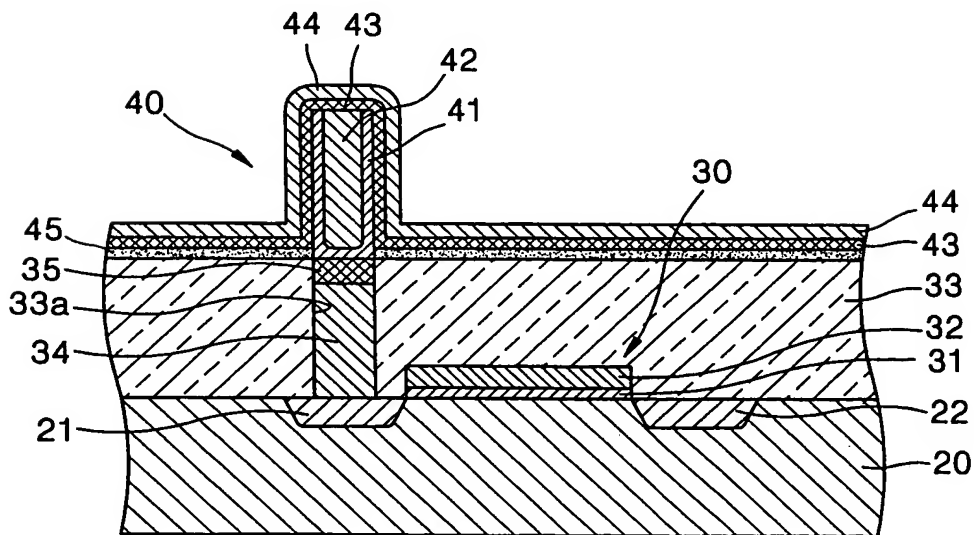


FIG. 3A

--RELATED ART--

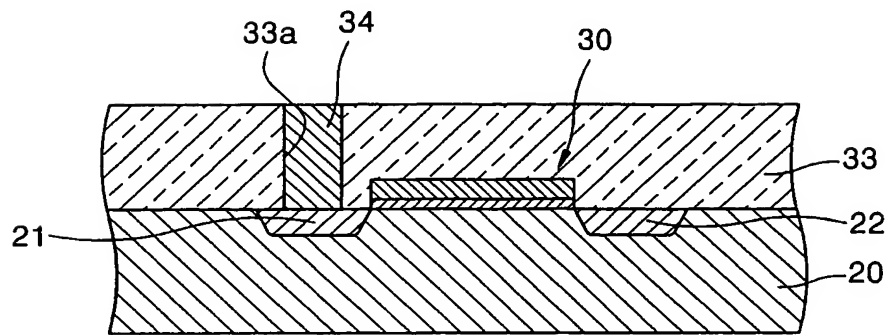


FIG. 3B

--RELATED ART--

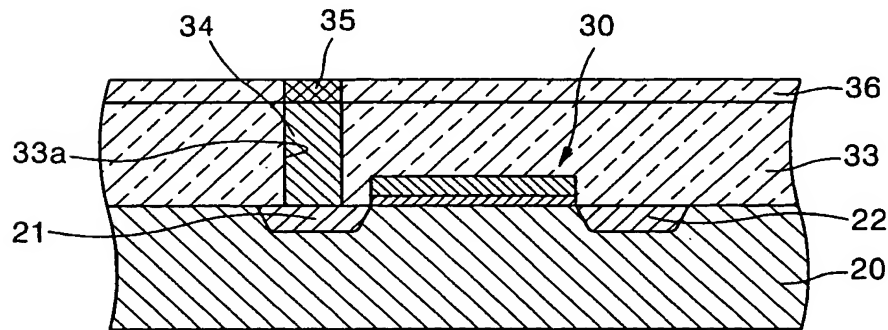


FIG. 3C

--RELATED ART--

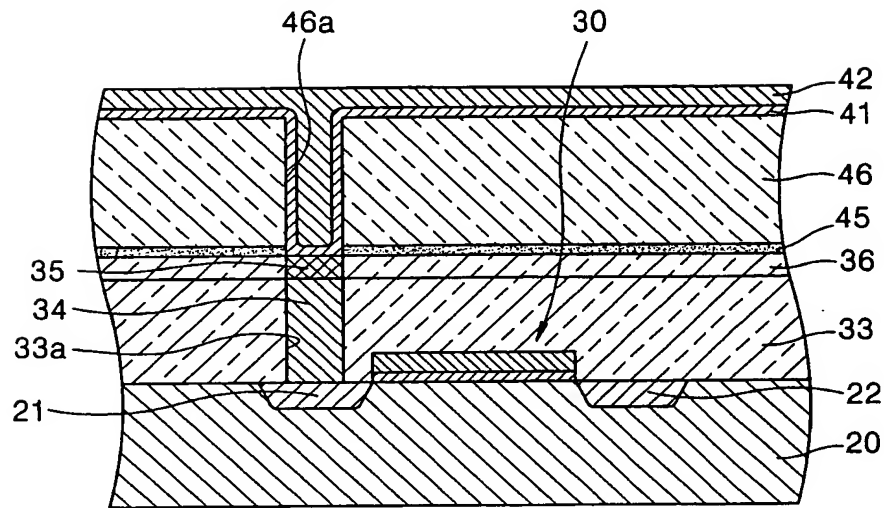


FIG. 3D

--RELATED ART--

